



TRIBAL PESTICIDE PROGRAM COUNCIL

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TPPC Priorities for the New Administration

The Tribal Pesticide Program Council

The Tribal Pesticide Program Council (TPPC) is a member-based organization with more than 66 members and 44 Tribes and tribal organizations as of September 2020, whose activities are funded by a cooperative agreement between the EPA and the Institute for Tribal Environmental Professionals at Northern Arizona University. The TPPC serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective. It is important to note, however, that the views expressed by the TPPC may not be agreed upon by all tribes. There are 574 federally-recognized tribes whose views and circumstances are unique, and communication between the EPA and the TPPC does not substitute for direct government-to-government consultation.

Pesticides Issues in Indian Country

Pesticides are an important part of everyday life for many Tribes and the lands on which they depend for economic well-being, common food sources, cultural and subsistence practices, and other purposes. Pesticide use and its impacts vary considerably across Indian country, and these must be properly managed to ensure that tribal communities are not unduly harmed. This necessitates a partnership between Tribes and the U.S. Environmental Protection Agency (EPA), which has direct implementation responsibilities for federal statutes specific to pesticides. Tribes can also enter into cooperative agreements with EPA to implement a portion of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), allowing them to enact their own pesticide codes and ordinances to manage pesticide use on their lands.

Tribal Pesticide Program Council Priorities

The TPPC produced a report in October 2020 entitled the **Status of Pesticides in Indian Country Report**. The Report was prepared to provide a resource that will inform Tribes and the federal agencies that work with them about the major pesticide-related issues and concerns that affect Indian Country, and the steps that can be taken to strengthen tribal pesticide programs and ensure that the health and well-being of tribal communities and lands are protected. The Report laid out **five priority areas** in which tribal programs are currently facing challenges in implementing pesticide regulations on their lands, and ways in which EPA and other federal agencies can assist Tribes in addressing these issues and



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challenges. These five priority areas include **direct implementation, risk assessments, funding, education and training, and enforcement and compliance**. Each of these priority areas will be discussed briefly below.

- The **implementation** of federal environmental statutes in Indian country is the responsibility of EPA, with program implementation authority retained by EPA in the absence of a federally-approved tribal program. As a means to help fulfill its direct implementation responsibilities, EPA should develop a well-defined communications strategy with tribes in relation to direct implementation, establish best management practices to help tribes use General Assistance Program (GAP) funds more effectively in addressing pesticide-related issues, and provide tribes with discretionary funding and technical resources to engage in direct implementation activities on behalf of EPA.
- **Risk assessment** models are unable to account for unique tribal activities that inadvertently expose tribes to pesticides, such as the gathering and use of natural materials for food, medicine, tools, and cultural activities. These models must be modified to account for tribal exposure scenario pathways, and a tribal partnership with federal agencies must be established to compile the data necessary to run such models.
- **Funding** is an issue EPA and tribes regularly face in support of their efforts to manage pesticide use in Indian country. Tribes in particular are constrained financially in what they can do with respect to pesticides, and are often forced to make difficult decisions as a result. Steps that EPA and other federal agencies could take to improve the pesticide-related funding situation include making additional grant funding competitively available to tribes, considering a decrease in the number of required inspections under tribal-EPA cooperative agreements, and assisting tribes in gaining access to other funding sources.
- Appropriate pesticide **education and training** courses are needed for tribes to ensure proper pesticide use on their lands. The effectiveness of these pesticide education and training courses is dependent on the course types, locations, scheduling, notifications, and funding, which necessitate a change to the processes involved for each, and an expansion of the number and types of tribes able to participate in EPA-sponsored training opportunities.
- **Enforcement and compliance** activities are integral to managing pesticide use in Indian country. Problematic issues involving enforcement and compliance include enforcement referrals, which necessitate a public EPA document that identifies a feedback mechanism for tribal enforcement referrals and timelines for responding to referrals; enforcement measures, which necessitate consideration of factors that can affect a tribe's ability to meet them along with a determination about whether other criteria should be accepted with such enforcement measures; and jurisdictional issues, which necessitate EPA to work closely with states and tribes to prevent unauthorized inspections on tribal lands, and work with tribes to develop guidance on consideration for pesticides found on or near treaty-protected resources located on state and federal lands.

For more information on the TPPC please contact acting chair Jasmine Brown (Jasmine.Brown@cstkt.org) or coordinator Mark Daniels (Mark.Daniels@nau.edu).